

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

MICHAEL K. HERRON,  
Debtor.

Bankr. No. 19-24527-TPA

Chapter 11

-----  
MICHAEL K. HERRON,  
Movant,

Related to Doc. Nos. 184 and 220

Doc. No.

v.

WELLS FARGO BANK, N.A. and  
UNITED STATES OF AMERICA,  
Respondents.

**ORDER CONFIRMING SALE OF PROPERTY FREE AND DIVESTED OF LIENS**

**AND NOW**, this *3rd* day of *November, 2020*, on consideration of the *Debtor's Motion for Sale of Property Free and Divested of Liens*, filed at Document No. 184, to Oakland Planning and Development Corporation for \$240,000.00, after hearing held via Zoom Video Conference application this date, the Court finds:

(1) That service of the *Notice of Hearing* and *Order* setting hearing on said *Motion/Complaint* for private sale of real property free and divested of liens of the above-named Respondents, was effected on the following secured creditors whose liens are recited in said *Motion/Complaint* for private sale, viz:

**DATE OF SERVICE**

**NAME OF LIENOR AND SECURITY**

October 7, 2020

***Lienor:*** WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA ALTERNATIVE LOAN TRUST 2005-11 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-11

***Security:*** 3700 ORPWOOD ST,  
PITTSBURGH, PA 15213

October 7, 2020

***Lienor:*** United States of America  
Department of Treasury –  
Internal Revenue Service

***Security:*** All of debtor(s) right, title and interest to property - 26 U.S.C. § 6321.

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion/Complaint.

(3) That said sale hearing was duly advertised on the Court's website pursuant to *W. PA LBR 6004-1(c)(2)* on October 8, 2020, in the Pittsburgh Post Gazette on October 11, 2020 and in the Pittsburgh Legal Journal on October 14, 2020, as shown by the Proof of Publications duly filed.

(4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$240,000.00 offered by Oakland Planning and Development Corporation at 235 Atwood Street, Pittsburgh, PA 15213 was a full and fair price for the property in question.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

**NOW THEREFORE**, it is hereby **ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty deed of the real property described as 3700 Orpwood Street, Pittsburgh, PA 15213. is hereby **CONFIRMED** to Oakland Planning and Development Corporation for \$240,000.00 free and divested of the above recited liens and claims, and, that the Movant/Plaintiff is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

It is **FURTHER ORDERED**, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

It is **FURTHER ORDERED**, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this *Order*. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

(1) The following lien(s)/claim(s) and amounts: the first mortgage lien claim of Wells Fargo Bank, N.A. in the amount of \$165,328.36 (good through November 27, 2020, with interest thereafter accruing at \$15.39 per diem);

(2) Delinquent real estate taxes, if any;

(3) Current real estate taxes, pro-rated to the date of closing;

(4) The costs of local newspaper advertising in the amount of \$430.00 reimbursed to the Debtor's counsel, Robleto Kuruca, PLLC;

(5) The costs of legal journal advertising in the amount of \$248.00 reimbursed to the Debtor's counsel, Robleto Kuruca, PLLC;

(6) The Court approved realtor commission in the amount of \$7,200.00;

(7) Attorney fees/administrative expenses in the amount of \$35,000.00, to be held in trust by Counsel for the Movant pending a later Order of this Court's authorizing such attorney fees/administrative expenses;

(8) The balance of funds realized from the within sale shall be held by the Attorney for the Movant/Plaintiff until further Order of Court, after notice and hearing; and,

(9) Other: The relevant transfer taxes.

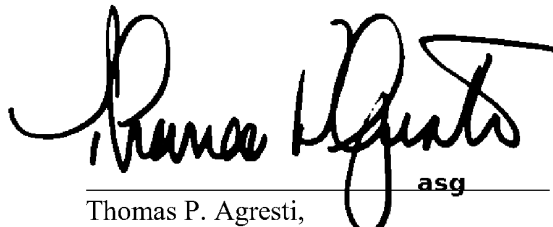
It is **FURTHER ORDERED** that:

(1) ***Within seven (7) days of the date of this Order***, the Movant/Plaintiff shall serve a copy of the within *Order* on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.

(2) ***Closing shall occur within thirty (30) days of this Order.***

(3) ***Within seven (7) days following closing***, the Movant/Plaintiff shall file a ***Report of Sale*** which shall include a copy of the HUD-1 or other Settlement Statement; and,

(4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

  
\_\_\_\_\_  
Thomas P. Agresti,  
Judge United States Bankruptcy Court

In re:  
Michael K. Herron  
Debtor(s)

Case No. 19-24527-TPA  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Nov 03, 2020

User: mgut  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 05, 2020:

Recip ID	Recipient Name and Address
db	+ Michael K. Herron, 1276 Tacoma Street, Hernando, FL 34442-3237

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 05, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 3, 2020 at the address(es) listed below:

Name	Email Address
Alexander R. Kalyniuk	on behalf of Defendant Internal Revenue Service United States of America Alexander.R.Kalyniuk@usdoj.gov, Robert.D.Metcalf@tax.usdoj.gov;eastern.taxcivil@usdoj.gov
Aurelius P. Robleto	on behalf of Plaintiff Michael K. Herron apr@robletolaw.com rmk@robletolaw.com,ecf_admin@robletolaw.com,apr@ecf.courtdrive.com,G16422@notify.cincompass.com
Aurelius P. Robleto	on behalf of Debtor Michael K. Herron apr@robletolaw.com rmk@robletolaw.com,ecf_admin@robletolaw.com,apr@ecf.courtdrive.com,G16422@notify.cincompass.com
Brian Nicholas	on behalf of Creditor BANK OF AMERICA N.A. bnicholas@kmlawgroup.com
Brian E. Caine	on behalf of Creditor U.S. Bank Trust National Association as Trustee of the Bungalow Series III Trust

District/off: 0315-2

User: mgut

Page 2 of 2

Date Rcvd: Nov 03, 2020

Form ID: pdf900

Total Noticed: 1

bcaine@parkermccay.com, BKcourtnotices@parkermccay.com

Brian M. Kile

on behalf of Creditor NexTier Bank N.A. bkile@grenenbirsic.com, mcupec@grenenbirsic.com;lstanger@grenenbirsic.com

Catriona Madalyn Coppler

on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service  
Catriona.M.Coppler@usdoj.gov, eastern.taxcivil@usdoj.gov;James.J.Wilkinson@usdoj.gov

Charles Griffin Wohlrab

on behalf of Creditor Wells Fargo Bank National Association cwohrlab@rascrane.com

Charles Griffin Wohlrab

on behalf of Creditor Wells Fargo National Association as Trustee for Banc of America, Alternative Loan Trust 2005-11,  
Mortgage Pass-Through Certificates, Series 2005-11 cwohrlab@rascrane.com

Christopher A. DeNardo

on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER pabk@logs.com logsecf@logs.com

Jill Locnikar

on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service jill.locnikar@usdoj.gov,  
patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov

Keri P. Ebeck

on behalf of Creditor Wells Fargo National Association as Trustee for Banc of America, Alternative Loan Trust 2005-11,  
Mortgage Pass-Through Certificates, Series 2005-11 kebeck@bernsteinlaw.com, jbluemle@bernsteinlaw.com

Kevin Scott Frankel

on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER pabk@logs.com

Kristen D. Little

on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER pabk@logs.com  
klittle@logs.com;logsecf@logs.com

Kristen D. Little

on behalf of Defendant WELLS FARGO BANK N.A. pabk@logs.com, klittle@logs.com;logsecf@logs.com

Kristen D. Little

on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper et al... pabk@logs.com, klittle@logs.com;logsecf@logs.com

Lauren Michaels

on behalf of Creditor Office of Attorney General Department of Revenue lmichaels@attorneygeneral.gov

Mark J. Pecarchik

on behalf of Creditor U.S. Bank Trust National Association as Trustee of the Bungalow Series III Trust pecarchik1@msn.com,  
FedPhe@hotmail.com

Norma Hildenbrand, on Behalf of the United States Trustee by

on behalf of U.S. Trustee Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Sheetal Ramesh Shah-Jani

on behalf of Creditor Wells Fargo Bank National Association sshahjani@rascrane.com

Thomas Song

on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY et.al. pawb@fedphe.com

Thomas Song

on behalf of Defendant BANK OF AMERICA N.A pawb@fedphe.com

Thomas Song

on behalf of Creditor BANK OF AMERICA N.A. pawb@fedphe.com

TOTAL: 24